

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARK ANTHONY BROWN,  
  
Plaintiff,  
  
v.  
  
A. JARAMILLO, et al.,  
  
Defendants.

Case No. 1:20-cv-00661-DAD-EPG (PC)  
  
ORDER REQUIRING RESPONSE TO  
OBJECTIONS  
  
(ECF No. 92)

Plaintiff Mark Anthony Brown is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants have moved for summary judgment, asserting that Plaintiff failed to exhaust his administrative remedies as to any of his claims. (ECF No. 75). After the Court granted three extensions of time for Plaintiff to respond to the motion for summary judgment, the Court issued findings and recommendations on January 20, 2020, to dismiss this case without prejudice due to Plaintiff's failure to prosecute and comply with court orders. (*See* ECF Nos. 80, 85, 88, 90).

On February 17, 2022, Plaintiff filed objections to the findings and recommendations. (ECF No. 92). Generally, Plaintiff states that he received and accepted an offer of settlement during the time when his response was due and he thought that the case had been resolved. In support, he attaches a letter from defense counsel allowing him to accept proposed terms until December 31, 2021, and a proposed stipulation of dismissal that Plaintiff signed and dated December 17, 2021. Additionally, Plaintiff states that he did not receive one of the Court's orders

1 extending the time for him to file a response. Plaintiff asks that he be given sixty additional days  
2 to file an opposition, asserting that COVID concerns have greatly limited his access to legal  
3 resources.

4 In light of Plaintiff's representations, the Court finds that a response from Defendants is  
5 warranted. After hearing from Defendants, the Court will issue an order regarding Plaintiff's  
6 objections.

7 Accordingly, IT IS ORDERED that, no later February 25, 2022, Defendants shall file a  
8 response to Plaintiff's objections, specifically addressing Plaintiff's assertion that the parties  
9 reached a settlement, and, if they did, explaining why Defendants failed to file a notice of  
10 settlement as required by Local Rule 160 or the stipulation of dismissal signed by Plaintiff.

11  
12 IT IS SO ORDERED.

13 Dated: **February 18, 2022**

14 /s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE